

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LA UNIÓN DEL PUEBLO ENTERO, et al.,

Plaintiffs,

v.

GREGORY W. ABBOTT, et al.,

Defendants.

Civil Action No. 5:21-cv-844 (XR)
(consolidated cases)

**ADVISORY REGARDING THE UNITED STATES' WITNESS LIST
AND TRIAL PRESENTATION**

Pursuant to the Court's August 8, 2023, Order (ECF No. 700), the United States respectfully submits this advisory related to its witness list and trial presentation.

The United States anticipates requiring no more than 17.5 hours of trial time for its affirmative case and cross-examination of Defense witnesses (including may-call witnesses). The United States' sole remaining claim in this case, which arises under the Materiality Provision of Section 101 of the Civil Rights Act, will proceed to trial starting on September 11, 2023.

The United States expects to call the following witnesses:

Witness	Day¹	Subject of Testimony
County Election Administrator ²	Day 1 (Sept. 11)	The Election Administrator will testify regarding the operation of SB 1's mail voting requirements in their County.
Roberto Benavides	Day 2 (Sept. 12)	Mr. Benavides will testify regarding his experience voting by mail during the November 2022 general election.
Pamiel Gaskin	Day 3 (Sept. 13)	Ms. Gaskin will testify regarding her experience voting by mail during the March 2022 primary election.
County Election Administrator	Day 4 (Sept. 14)	The Election Administrator will testify regarding the operation of SB 1's mail voting requirements in their County.
County Election Administrator	Day 5 (Sept. 19)	The Election Administrator will testify regarding the operation of SB 1's mail voting requirements in their County.
Eitan Hersh	Day 7 (Sept. 21)	Dr. Hersh will serve as an expert witness testifying on the impact of SB 1's mail voting requirements based on his analysis of the Texas Election Administration Management (TEAM) database and the Texas Department of Public Safety driver license database.
Tammy Patrick	Day 11 (Oct. 4)	Ms. Patrick will serve as an expert witness testifying on the operation of SB 1's mail voting requirements in the context of election administration principles and best practices. She will also provide a comparative and historical perspective on mail ballot trends and election administration data and practices.

¹ These are preliminary estimates, and the exact days on which witnesses are expected to testify may shift as the United States continues to coordinate with the other parties regarding the precise trial schedule and the county witnesses' availability. The United States provides this information to the Court as an estimate, assuming that county election administrators and State witnesses who are involved in election administration will need to be called during the first two or three weeks of trial.

² The United States expects to call the following three county election administrators: Jacquelyn Callanen, Remi Garza, and Lisa Wise. The United States is in the process of confirming the witnesses' specific availability with their counsel, and the dates may shift pending more coordination with Private Plaintiffs.

Although the United States expects to call more than one election official, it does not intend to elicit duplicative testimony from those witnesses.

The United States also may call the following witnesses but does not presently intend to do so: (1) Jennifer Colvin, (2) Bridgette Escobedo, (3) Kristi Hart, (4) Daniel Hayes, (5) Charlie Johnson, (6) Tacoma Phillips, and (7) Michael Scarpello. If the United States concludes that it may be necessary to call one or more of those witnesses to testify at trial, the United States does not intend to elicit duplicative testimony from those witnesses.

Date: August 11, 2023

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CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to counsel of record.

/s/ Michael E. Stewart

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